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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,286	03/26/1999	CARL STRATHMEYER	024/1	3294

7590

10/06/2003

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/277,286

Applicant(s)

STRATHMEYER ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2003 and 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10, and 21 - 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10, and 21 - 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 3 – 10, and 21 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al.

Regarding claims 1, 4, 6 - 8, 26, 27, and 30, Rogers et al. teaches a call management system having a call management computer 101 able to communicate with a plurality of telephony and data environments, wherein the environments include different PBX's, cable, RF or satellite communications, or "any other types of voice or data," having therein a "translation layer," wherein "translation layer" is read to be analogous to the plurality of data and telephony interfaces (Fig. 2, 203 – 206) taken as a whole, for translating to and from proprietary and non-standard protocols and a standard protocol upon which the invention of Rogers et al. operates on. Furthermore, Rogers et al. teaches either a computer workstation connected via a LAN/WAN/data/telephony network or by some remote connection in connection with the call management computer for providing access to and control over applications able to communicate via the various telephony and data environments, wherein the application can automatically detect the type of incoming communication or can effect communications via a certain telephony or data environment. Furthermore, the workstation mentioned along with the caller notification/caller ID and various databases taught by Rogers et al. allow a user to receive caller information, records, or any other

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pertinent information. (Figs. 1, 26a – 9ab, Col. 2, line 4 – Col. 3, line 8, Col. 6, line 44 – Col. 18, line 2, Col. 22, lines 6 – 26)

As to claim 3, Rogers et al. teaches a GUI interface to allow a user to select and configure, via set-up menus, the selection of telephony environments. (Figs. 6a – 9ab)

As to claim 5, Rogers et al. teaches "screen pop" notifications, for example, when notifying a user of an incoming call. (See above references and also Col. 23, line 12 – Col. 28, line 67)

As to claims 9 and 10, Rogers et al. also teaches various databases such as the call management database 215, used for various applications such as phone directories, message storage and reply, etc. and also teaches routing various calls according to type or time, etc. (See above references and also Col. 22, lines 7 – 26 and Col. 29, line 57 – Col. 30, line 46)

As to claims 21 – 23 and 25, the existence of various PBX's and the PSTN is shown in Fig. 1 of Rogers et al. as are the LAN servers and the ability of the system of Rogers et al. to handle voice over IP communications, thereby inherently requiring packet telephony servers. See Col. 25, lines 8 – 10. Moreover, the claimed "data network gatekeeper" is analogous to a gateway such as the FAX/data gateway taught by Rogers et al. in Col. 39, line 53. Moreover whenever a system deals with the Internet and/or data communications, it is inherent that there is some sort of gatekeeper or gateway for controlling address resolution when communications between different network elements, transmission and reception control, registration onto a certain network, etc.

As to claim 24, as seen Figs. 6a – 9b, a GUI or application programs run on the workstation/computer 114 which is separate from the LAN server 110 as seen in Fig. 1. Moreover, the computer communicates with the LAN server via a LAN and WAN 109 which is inherently using a standardized message set such as TCP/IP.

As to claim 28, Rogers et al. has been discussed above. Inherent when using a common or standard messaging protocol and translating those messages into environment-specific protocols are both a standard-instruction-message-unit and a specific-instruction-message-unit. Further inherent is a telephony-environment-indication-unit since as discussed above, Rogers et al. teaches an application being able to detect the type of incoming communication as well as allowing receiving and responding to various types of communications which are displayed to a user via the above-discussed GUI and screen pops.

As to claim 29, Rogers et al. has been discussed above and also teaches that the call management system monitors current status of system users and makes status information available to all other system users on demand. Hence status messages are inherent.

### ***Response to Arguments***

2. Applicant's arguments filed 3/17/03 have been fully considered but they are not persuasive.

Applicant describes operation of the instant invention as "means for automatically configuring a server to select an environment selected by an application, upon receipt of a selection message of said environment from said application." This merely means

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that an application chooses an environment and the server accordingly selects the appropriate environment. Such is the operation of Rogers et al. in that a user, using a workstation, which has an application running thereon, can choose an environment to operate in and the call management computer which can be read as a server will handle the communication accordingly. Therefore, Examiner has maintained the previous rejection.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,740,231 (Cohn et al.) teach a network-based multimedia communications and directory system and method of operation. US 6,069,947 (Evans et al.) teach a communications system architecture and operation protocol therefor using various standard and specific message sets and structures for handling different types of communications. US 6,081,591 (Skoog) teaches a signaling network gateway device and method for use in a signaling network which operates while translating between common and specific message sets and structures. US 6,246,678 (Erb et al.) teach a data access server for PBX which also teaches translating between a common messaging structure and specific ones.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.  
September 25, 2003

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700